

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department Arkansas Department of Education

Agency or Division Name Division of Elementary and Secondary Education

Other Subdivision or Department, If Applicable Educator Effectiveness and Licensure

Previous Agency Name, If Applicable _____

Contact Person Amy Douglas

Contact E-mail amy.douglas@ade.arkansas.gov

Contact Phone 501-682-0166

Name of Rule Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards

Newspaper Name Arkansas Democrat Gazette

Date of Publishing November 14, 15 and 16, 2021

Final Date for Public Comment December 16, 2021

Location and Time of Public Meeting ADE, Four Capitol Mall, Little Rock 12/7/21 at 1:30pm

**Arkansas Department of Education
Arkansas Division of Elementary and Secondary Education
Rules Governing Eligibility and Financial Incentives
For National Board for Professional Teaching Standards
Effective Date: ~~July 3, 2020~~**

1.0 Regulatory Authority

- 1.1** These rules shall be known as the Arkansas Department of Education Division of Elementary and Secondary Education Rules Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards (NBPTS) Candidacy and Certification.
- 1.2** These rules are enacted under the State Board of Education's authority pursuant to Ark. Code Ann. §§6-11-105, 6-17-412, and 6-17-413.

2.0 Purpose

- 2.1** To improve student learning and strengthen teaching by encouraging teachers to participate in and complete NBPTS certification;
- 2.2** To authorize the Division to fund the full amount of the participation fee of the NBPTS certification;
- 2.3** To authorize the Division to fund financial incentives for NBCTs in Arkansas;
- 2.4** To outline the eligibility criteria and funding structure for the incentives; and
- 2.5** To outline the establishment of a support program for NBPTS participants.

3.0 Definitions

For the purposes of these rules:

- 3.1 “Accredited Teacher Preparation Program”** means an educator preparation program that is:
 - 3.1.1** Accredited by the Council for Accreditation of Educator Preparation (CAEP);
 - 3.1.2** Accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation; or
 - 3.1.3** Approved by the licensing authority of a state government.

- 3.2 “Advisory Committee”** means the ten (10) member team of three (3) National Board Certified Teachers, three (3) National Board facilitators, and four (4) educational administration or business representatives. One (1) of the ten (10) members may be a Division staff member. The Advisory Committee advises the Division on policy issues, assists in the support system, and recommends criteria for the selection of candidates when all candidates cannot be funded. Criteria shall be recommended by the Advisory Committee in accordance with law for review and approval by the State Board.
- 3.3 “Classroom teacher”** means a teacher who is required to hold a standard teaching license from the Division and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual’s contracted time, with that 70% allowed to include:
- 3.3.1 Employment by an educational service cooperative when the teacher provides direct student services for a collaborative of school districts in public school buildings and other instructional settings throughout the cooperative area; and
 - 3.3.2 Instructional positions such as library/media specialist, school guidance counselor, literacy specialist, math specialist, dyslexia specialist, or others for whom NBPTS certificates specifically exist and who meet the definition of classroom teacher.
- 3.4 “Classroom setting”:**
- 3.4.1 For the purpose of eligibility for NBPTS candidacy funding means full-time assignment to a setting in a specific Arkansas public school building or buildings in which a teacher works directly with a student or students; and
 - 3.4.2 For the purpose of eligibility for an incentive bonus means full-time assignment to a setting in a school building(s) or other instructional settings where a NBCT is directly involved in the instructional process by teaching children, by facilitating the instructional process through work with building teachers in classrooms, or by serving in the role of building administrator, or assistant building administrator.
- 3.5 “Division”** means the Arkansas Department of Education Division of Elementary and Secondary Education
- 3.6 “High-poverty charter school”** means an Arkansas open-enrollment public charter school in which seventy percent (70%) or greater of the previous school year’s enrolled students are national school lunch students as defined in § 6-20-2303.

- 3.7 “High-poverty district”** means an Arkansas public school district in which seventy percent (70%) or greater of the previous school year’s enrolled students are national school lunch students as defined in § 6-20-2303.
- 3.8 “High-poverty school”** means an Arkansas public school in which seventy percent (70%) or greater of the previous school year’s enrolled students are national school lunch students as defined in § 6-20-2303.
- 3.9 “In the process of initial certification”** means that the individual has completed registration for first-time candidacy (including payment of the NBPTS registration fee).
- 3.10 “Instructional facilitator”** means an individual holding a valid Arkansas teacher’s license who facilitates continuous improvement in classroom instruction by providing instructional and professional learning support to teachers for research-based instruction and by demonstrating the alignment of instruction with curriculum standards and assessment tools.
- 3.11 “Instructional leader”** means a building-level administrator who is responsible for evaluating teachers or instructional staff. It shall include without limitation a building-level administrator who is an evaluator as defined in Ark Code Ann. § 6-17-2803.
- 3.12 “National Board for Professional Teaching Standards”** means the independent board that certifies teachers who meet advanced standards and certifications by effectively enhancing student learning and demonstrating the high level of knowledge and skills, dispositions, and commitments reflected in the following five core propositions:
- 3.12.1 Teachers are committed to students and their learning.
 - 3.12.2 Teachers know the subjects they teach and how to teach those subjects to students.
 - 3.12.3 Teachers are responsible for managing and monitoring student learning.
 - 3.12.4 Teachers think systematically about their practice and learn from experience.
 - 3.12.5 Teachers are members of learning communities.
- 3.13 “NBCT”** means National Board Certified Teacher.
- 3.14 “NBPTS Candidacy”** means an applicant’s participation in the NBPTS program for becoming a certified teacher under these rules;
- 3.15 “Public School”** means:
- 3.14.1 A school operated by a public school district; or

3.14.2 An open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103.

3.16 “State Board” means the Arkansas State Board of Education.

4.0 Selection Process for Payment for NBPTS Candidacy

4.1 Application criteria:

- 4.1.1 An applicant shall complete the official application process established by the Division;
- 4.1.2 An applicant shall not have received prior state funding for NBPTS candidacy and must be applying for initial candidacy;
- 4.1.3 An Applicant shall verify at least three (3) years teaching experience in an Arkansas public school beginning no earlier than the year in which the applicant’s first license to teach in an Arkansas public school is issued; and

4.2 Selection process:

- 4.2.1 A candidate shall meet or exceed the minimum qualifying score for the application process approved by the State Board.
- 4.2.2 NBPTS Advisory Committee will review applications if full funding is not available and recommend to the Division the candidates to be funded.
- 4.2.3 A candidate selected to receive state funding must submit all NBPTS components within the first year candidacy cycle.

4.3 Payment of component costs for NBPTS Candidacy:

- 4.3.1 The Division shall pay the following costs associated with NBPTS candidacy for candidates selected for participation under these rules:
 - 4.3.1.1 The cost of submission for the four (4) components, excluding: (a) the application fee assessed by the National Board, (b) retake fees, and (c) renewal fees; and
 - 4.3.1.2 Substitute teacher pay for up to three (3) days of approved paid leave.

4.4 A candidate who pays for the cost of one component may apply to the Division for reimbursement of that cost and for state support of the remaining certification components if the Division receives the application within 14 days ~~days~~ after the release of scores from NBPTS. The Advisory Committee shall recommend a

minimum qualifying score, review the applications, and make a recommendation to the State Board for funding. A candidate selected to receive reimbursement and state funding for remaining components must submit all remaining NBPTS components within the second year candidacy cycle.

4.5 Repayment of funding:

4.5.1 Repayment of state funds for the NBPTS is required if a recipient:

- 4.5.1.1 Does not complete the certification process within three (3) years after the NBPTS enters the candidate into its certification program; or
- 4.5.1.2 Becomes a NBCT with the support of state funds, but for the three-year period following certification that includes the year of certification and the two years immediately following certification, does not teach in an Arkansas public school classroom or does not serve as a building-level administrator, a building-level assistant, an instructional facilitator, or instructional leader, as applicable.

4.5.2 A candidate required to repay funds under this section may seek a waiver of repayment from the State Board if the candidate was forced to withdraw from candidacy due to:

- 4.5.2.1 The death or disability of the teacher, or
- 4.5.2.2 Other serious extenuating circumstances recommended by the Advisory Committee, including without limitation health related problems verified by a licensed physician.

4.6 The State Board may suspend a recipient's teaching license for failure to repay state funds provided under these rules. The teaching license may be reinstated upon full payment as provided in the Division Rules Governing Educator Licensure.

5.0 Incentive Payments

5.1 A NBCT who began the process of initial certification or was certified or recertified before January 1, 2018:

5.1.1 Shall receive a yearly incentive payment if selected to participate in the NBPTS program under these rules, and if at the time of receiving the bonus: the NBCT is:

- 5.1.1.1 Employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school;
- 5.1.1.2 A NBCT certified on or after August 1, 2009, and who after

working a minimum of three (3) years with National Board certification as a classroom teacher or as a building-level administrator or building-level assistant administrator in an Arkansas public school district is employed full time as a teacher in an accredited teacher preparation program at a state-sponsored institution of higher education;

5.1.1.3 A NBCT who moved into the state on or before January 1, 2017, and is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school; or

5.1.1.4 A NBCT certified on or after August 1, 2009, who moved into the state on or before January 1, 2017, and after working a minimum of three (3) years with National Board certification as a classroom teacher or as a building-level administrator or building-level assistant administrator in an Arkansas public school district is employed full time as a teacher in an accredited teacher preparation program at a state-sponsored institution of higher education.

5.1.2 A NBCT who meets the qualifications of Section 5.1 and is working full-time in a public school, that is not a high-poverty school or a high-poverty charter school shall receive a gross yearly incentive payment of five thousand dollars (\$5,000) for the length of the certification or the recertification, but for no more than ten (10) school years.

5.1.3 A NBCT who meets the qualifications of Section 5.1 and is working full-time in a public school that is a high-poverty school that is not in a high-poverty school district shall receive a gross yearly incentive payment of five thousand dollars (\$5,000) for the length of the certification or the recertification, but for no more than ten (10) school years.

5.1.4 A person who meets the qualifications of Section 5.1 and is working full-time in a public school that is a high-poverty school in a high-poverty district or is a high-poverty charter school shall receive a gross yearly incentive payment of ten thousand dollars (\$10,000) for the length of the certification or the recertification, but for no more than ten (10) school years.

5.2 A NBCT who began the certification process AND was certified **after** January 1, 2018, shall receive a yearly incentive payment if the NBCT is a classroom teacher, an instructional facilitator, or an instructional leader.

5.2.1 A NBCT who meets the qualifications of Section 5.2 and is working full-time in a public school, that is not a high-poverty school or a high-poverty charter school shall receive a gross yearly incentive payment of two thousand five hundred dollars (\$2,500) for no more than five (5) school years.

- 5.2.2 A NBCT who meets the qualifications of Section 5.2 and is working full-time in a public school that is a high-poverty school that is not in a high-poverty school district shall receive a gross yearly incentive payment of five thousand dollars (\$5,000) for no more than five (5) school years.
- 5.2.3 A person who meets the qualifications of Section 5.2 and is working full-time in a public school that is a high-poverty school in a high-poverty district or is a high-poverty charter school shall receive a gross yearly incentive payment of ten thousand dollars (\$10,000) for no more than ten (10) school years.
- 5.3 Payments shall be made annually by June 30. ~~of each year~~ A NBCT shall not receive an incentive payment if the Division has not received verification of the NBCT by the employer. ~~does not complete the annual profile by the date determined by the Division.~~
- 5.4 A person shall not receive in the same school year more than one (1) yearly incentive payment under Section 5.2; and
- 5.5 A person shall not receive in the same school year both an incentive payment under Sections 5.1 and 5.2.
- ~~5.5.1 A person who, as of December 1, 2017, meets the qualifications for a yearly incentive payment under both Sections 5.1 and 5.2 may make an irrevocable election to receive the future yearly incentives under Section 5.2 by filing a written election with the Division no later than July 1, 2019.~~
- 5.6 The Division shall not pay an incentive or any increase in an incentive retroactively.
- 5.7 The NBCT shall not be eligible to receive an incentive payment if the NBCT:
- 5.7.1 Has received an incentive payment for a cumulative total of ten (10) school years after January 1, 2018. Payments may only be received for a maximum of ten (10) years if certified after January 1, 2018;
- 5.7.2 Leaves the full-time employment of an Arkansas public school district;
- 5.7.3 Becomes employed as a district-level central office administrator;
- 5.7.4 Is employed by an Arkansas institution of higher education and does not teach in an accredited teacher preparation program; or
- 5.7.5 Is employed by an education service cooperative and does not ~~teach in a classroom setting with students~~ meet the definition of classroom teacher listed in 3.4.
- 5.8 A person shall not receive an incentive payment under multiple sections of these rules in the same school year.
- 5.9 A traveling teacher who is eligible for an incentive payment under these rules shall receive the incentive for the school that the teacher's contract identifies as the

teacher's home base.

6.0 Support Program for Teachers Selected to Participate in NBPTS Candidacy

6.1 The State Board will establish a support program for teachers selected to participate in the NBPTS Program that provides technical assistance to program applicants to ensure successful program completion, which may include without limitation:

- 6.1.1 Establishing a variety of support opportunities such as annual pre-candidacy orientations, regular meetings of participants, telephone/email contact with facilitators and NBCTs, and Division intervention with NBPTS if necessary;
- 6.1.2 Providing information on the NBPTS state support program on the Division web site;
- 6.1.3 Providing other assistance, if determined to be necessary by the Division.

6.2 Credit for professional development may be obtained pursuant to school district policy.

7.0 Monitoring for NBPTS Program Participation

7.1 The public school that employs a NBCT shall certify, and ~~to~~ the Division shall verify annually the job code of that teacher to determine eligibility for an incentive payment.

8.0 Funding Limitations

- 8.1** Provisions of these rules and Ark. Code Ann. §§6-17-412 and 6-17-413 apply only to the extent that funds are appropriated and available to the Division to pay for these purposes.
- 8.2** Funding under Sections 5.1.1.2 and 5.1.1.4. shall be paid only if funds are available after funding all eligible candidates under Sections 5.1.1.1 and 5.1.1.3.
- 8.3** All incentive payments shall be made in accordance with Division rules governing payment of bonuses, stipends, and other financial awards and incentives.

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas Department of Education Division of Elementary and Secondary Education

DIVISION Division of Educator Effectiveness and Licensure

DIVISION DIRECTOR Karli Saracini

CONTACT PERSON Amy Douglas

ADDRESS 4 Capitol Mall

PHONE NO. 501-682-0166

FAX NO.

E-MAIL amy.douglas@ade.arkansas.gov

NAME OF PRESENTER AT COMMITTEE MEETING Amy Douglas

PRESENTER E-MAIL amy.douglas@ade.arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? National Board Certified Teacher
2. What is the subject of the proposed rule? The purpose of the rules is to set standards, eligibility and financial incentives for the National Board for Profesional
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒ X
If yes, please provide the federal rule, regulation, and/or statute citation.
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes ☐ No ☒ X
If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes ☐ No

5. Is this a new rule? Yes ☐ No ☒ If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes ☐ No ☒ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes ☒ No ☐ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

To update verification requirements and clarified eligibility.

See attached mark-ups.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

66-17-412, 6-17-413

7. What is the purpose of this proposed rule? Why is it necessary?

Rules required the submission of a yearly NBCT profile. Under current practices, this profile is no longer necessary as districts verify eligibility. Clarified eligibility of classroom teacher.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<http://dese.ade.arkansas.gov/divisions/legal/rules/pending>

9. Will a public hearing be held on this proposed rule? Yes ☒ No ☐ If yes, please complete the following:

Date: 12/7/2021

Time: 1:30pm

Place: ADE Auditorium, Four Capitol Mall, Little Rock, AR 72201

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
12/16/21

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
January 1, 2022

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. Please see attached.

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). Please see attached.

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

National Board Certified Teachers

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Education Division of Elementary and Secondary Education
DIVISION Division of Educator Effectiveness and Licensure
PERSON COMPLETING THIS STATEMENT Amy Douglas
TELEPHONE NO. _____ **FAX NO.** _____ **EMAIL:** amy.douglas@ade.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE National Board Certified Teachers

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;

- b) The reason for adoption of the more costly rule;

- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total \$ 0.00

Total \$ 0.00

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total \$ 0.00

Total \$ 0.00

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

--

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

--

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
Yes ☐ No ☐

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



REQUEST FOR GOVERNOR'S APPROVAL OF PROPOSED RULES

Please submit this form and all required documents in the checklist as a single pdf document. Failure to comply will result in the rule being denied.

Rules identified as mandatory promulgations in Form 2021A must be submitted to the Governor's Office for approval no later than December 31, 2021.

Cabinet Department: Arkansas Department of Education

Division/Commission/Board/Agency: Division of Elementary and Secondary Education

Rule Number: 255 **Short Title of Rule:** National Board Certified Teacher

New Rule: ☐ Yes ☒ No **Rule Amendment:** ☒ Yes ☐ No **Rule Repeal:** ☐ Yes ☒ No

Proposed Effective Date: _____ **Date Rule Submitted:** _____

Emergency Rule: ☐ Yes ☒ No **Expedited Request:** ☐ Yes ☒ No **Reason:** _____

Drafted in Code of Rules Format ☐ Yes ☒ No **If not, explain:** _____

Please explain the need for an Emergency/Expedited Rule: _____

AUTHORITY TO PROMULGATE

State Mandate: Yes **Federal Mandate:** _____ **Act No.:** _____

Statutory Authority to Promulgate the Rule: 6-17-412, 6-17-413

Department/Agency Legislation from Legislative Session: No **Act No.:** _____

House Sponsor: _____ **Senate Sponsor:** _____

Cabinet Review: Yes ☒ **Secretary's Signature:** John Key **Date:** 9/20/2021

RULE SUMMARY

Purpose of Rule: _____

The purpose of the rules is to set standards, eligibility and financial incentives for the National Board for Professional Teaching Standards.

Reason for Creating or Amending the Rule: To update verification requirements and clarified eligibility.

How does the Rule deviate from the Act: Does not _____

Rule Based on a Rule From Different Jurisdictions: No **Jurisdictions:** _____

Short Summary of New Rule or Rule Changes: (explain in greater detail in your executive summary)
Rules required the submission of a yearly NBCT profile. Under current practices, this profile is no longer necessary as districts verify eligibility. Clarified eligibility of classroom teacher.

Applicable Federal Regulations: No **C.F.R. No:** _____

Proposed Rule the Least Restrictive Alternative: Yes. **If not, why?** _____

Does it Mirror Federal Regulations or Impose Additional Requirements: ☐ Yes ☐ No

Explain: _____

Note: In addition to these explanations, the Department/Agency seeking to promulgate this rule shall submit the attached executive summary. Failure to include the summary will result in the rule being denied.

CONTROVERSY

Rule Controversial: No **Act Controversial in Legislative Session:** No

Known Interested Parties: Local Education Agencies, National Board Certified Teachers, Institutions of Higher Education

Comments Made at Legislative Session: _____

Public Hearing: yes

Expect public comment from: National Board Certified Teachers

FINANCIAL IMPACT

Financial Impact: No **Total Impact:** FY2020: _____ FY2021: _____

Impact Mitigated by Federal Funding: ☐ Yes ☒ No FY2020: _____ FY2021: _____

Reasons for Financial Impact: _____

FINAL CHECKLIST

Please note that the Governor's office will not begin the approval process of the foregoing rule if any of the following applicable documents are not enclosed in the order listed in a single PDF file.

- ☐ Rule Request Form
- ☐ Executive Summary
- ☐ Mark-Up Version of the Proposed Rule
- ☐ Clean Version of the Proposed Rule
- ☐ BLR Questionnaire
- ☐ BLR Financial Impact Statement
- ☐ Copy of Act or Regulation



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

Johnny Key
Secretary

September 9, 2021

Dr. Ivy Pfeffer
Deputy
Commissioner

PURPOSE

Stacy Smith
Deputy
Commissioner

The Arkansas Department of Education Division of Elementary and Secondary Education is seeking Governor Hutchinson's review of proposed amendments to the Rules Governing Eligibility and Financial Incentives For National Board for Professional Teaching Standards.

**State Board of
Education**

BACKGROUND

Ouida Newton
Poyen
Chair

Pursuant to Ark. Code Ann §§ 6-17-412 and 6-17-413, rules are required to state standards and protocols for Eligibility and Financial Incentives For National Board for Professional Teaching Standards. The Rules Governing Eligibility and Financial Incentives For National Board for Professional Teaching Standards provide guidance to educators on program requirements, eligibility and payment opportunities for service in various defined areas.

Dr. Sarah Moore
Stuttgart
Vice Chair

KEY POINTS

- Section 5.3 The Division no longer requires a yearly NBCT profile. Beginning with the 2019-2020 school year, bonuses were submitted directly to employer for verification and payment.
- Removed Section 5.5.1 which is no longer applicable due to date.
- Section 5.7.5 Clarified eligibility of a classroom teacher to include definition.

Charisse Dean
Little Rock

Dr. Fitz Hill
Little Rock

Kathy McFetridge
Springdale

DISCUSSION

Beginning with the 2019-2020 school year, bonuses were submitted directly to employer for verification and payment. With direct verification and payment at the employer level, an NBCT profile proved redundant and a barrier to qualifying National Board Certified Teachers.

Steve Sutton
Marion

Remaining changes were due to deadlines listed that are past and clarification of eligibility.

Adrienne Woods
Rogers

RECOMMENDATION

Dr. Beth Anne Rankin
Magnolia

We recommend the proposed amendments to the Rules Governing Eligibility and Financial Incentives For National Board for Professional Teaching Standards be approved as proposed by the Arkansas Department of Education Division of Elementary and Secondary Education State Board of Education.

Randy Henderson
Blytheville